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FILED

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Board of Vocational Nursing
and Psychiatric Technicians

7
8 **BEFORE THE**
BOARD OF VOCATIONAL NURSING AND PSYCHIATRIC TECHNICIANS
9 **DEPARTMENT OF CONSUMER AFFAIRS**
10 **STATE OF CALIFORNIA**

11 In the Matter of the Accusation Against:

Case No. PT-2009-998

12 **MISTI ARMSTRONG IOPPINI, AKA**
13 **MISTI A. IOPPINI**
822 Bolen Drive
14 Paso Robles, CA 93446
Psychiatric Technician License No. PT
31072

A C C U S A T I O N

15 Respondent.

16
17 Complainant alleges:

18 **PARTIES**

19 1. Teresa Bello-Jones, J.D., M.S.N., R.N. ("Complainant") brings this Accusation solely
20 in her official capacity as the Executive Officer of the Board of Vocational Nursing and
21 Psychiatric Technicians, Department of Consumer Affairs.

22 2. On or about September 10, 2001, the Board of Vocational Nursing and Psychiatric
23 Technicians issued Psychiatric Technician License Number PT 31072 to Misti Armstrong
24 Ioppini, aka Misti A. Ioppini ("Respondent"). The Psychiatric Technician License expired on
25 November 30, 2010, and has not been renewed.

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1 **JURISDICTION**

2 3. This Accusation is brought before the Board of Vocational Nursing and Psychiatric
3 Technicians ("Board"), under the authority of the following laws. All section references are to
4 the Business and Professions Code ("Code") unless otherwise indicated.

5 4. Section 118, subdivision (b) of the Code provides, in pertinent part, that the
6 expiration of a license shall not deprive the Board jurisdiction to proceed with disciplinary action
7 during the period within which the license may be renewed, restored, reissued or reinstated.

8 **STATUTORY PROVISIONS**

9 5. Section 490 of the Code provides:

10 "(a) In addition to any other action that a board is
11 permitted to take against a licensee, a board may suspend or revoke
12 a license on the ground that the licensee has been convicted of a
13 crime, if the crime is substantially related to the qualifications,
functions, or duties of the business or profession for which the
license was issued.

14 (b) Notwithstanding any other provision of law, a board
15 may exercise any authority to discipline a licensee for conviction of
16 a crime that is independent of the authority granted under
subdivision (a) only if the crime is substantially related to the
qualifications, functions, or duties of the business or profession for
which the licensee's license was issued.

17 (c) A conviction within the meaning of this section
18 means a plea or verdict of guilty or a conviction following a plea of
19 nolo contendere. Any action that a board is permitted to take
20 following the establishment of a conviction may be taken when the
21 time for appeal has elapsed, or the judgment of conviction has been
affirmed on appeal, or when an order granting probation is made
suspending the imposition of sentence, irrespective of a subsequent
order under the provisions of Section 1203.4 of the Penal Code."

22 6. Section 4521 of the Code provides, in pertinent part:

23 "The board may suspend or revoke a license issued under this
24 chapter for any of the following reasons:

25 (a) Unprofessional conduct, which includes, but is not limited to,
any of the following:

26 (4) Obtain or possess in violation of law, or prescribe, or,
27 except as directed by a licensed physician and surgeon, dentist, or
28 podiatrist, administer to himself or herself or furnish or administer
to another, any controlled substance as defined in Division 10

(commencing with Section 11000) of the Health and Safety Code or any dangerous drug as defined in Section 4022.

(5) Use any controlled substance as defined in Division 10 (commencing with Section 11000) of the Health and Safety Code, or any dangerous drug as defined in Section 4022, or alcoholic beverages, to an extent or in a manner dangerous or injurious to himself or herself, any other person, or the public or to the extent that the use impairs his or her ability to conduct with safety to the public the practice authorized by his or her license.

...
(f) Conviction of any offense substantially related to the qualifications, functions, and duties of a psychiatric technician, in which event the record of the conviction shall be conclusive evidence of the conviction. The board may inquire into the circumstances surrounding the commission of the crime in order to fix the degree of discipline.

...
(n) The commission of any act involving dishonesty, when that action is substantially related to the duties and functions of the licensee..."

7. Section 4523 of the Code provides:

"A plea or verdict of guilty or a conviction following a plea of nolo contendere made to a charge substantially related to the qualifications, functions and duties of a psychiatric technician is deemed to be a conviction within the meaning of this article. The board may order the license suspended or revoked or may decline to issue a license, when the time for appeal has lapsed, or the judgment or conviction has been affirmed on appeal or when an order granting probation is made suspending the imposition of sentence, irrespective of a subsequent order under the provisions of Section 1203.4 of the Penal Code allowing the person to withdraw his plea of guilty and to enter a plea of not guilty, or setting aside the verdict of guilty, or dismissing the accusation, information, or indictment."

REGULATORY PROVISIONS

8. Title 16, Section 2576.6 of the California Code of Regulations provides, in pertinent part:

"(a) A licensed psychiatric technician shall safeguard patients'/clients' health and safety by actions that include but are not limited to the following:

...
(4) Abstaining from chemical/substance abuse; and

...
(c) A violation of this section constitutes unprofessional conduct for purposes of initiating disciplinary action."

1 9. Title 16, Section 2578 of the California Code of Regulations provides:

2 “For the purposes of denial, suspension, or revocation of a license
3 pursuant to Division 1.5 (commencing with Section 475) of the
4 Business and Professions Code, a crime or act shall be considered
5 to be substantially related to the qualifications, functions or duties
6 of a licensed psychiatric technician if to a substantial degree it
7 evidences present or potential unfitness of a licensed psychiatric
8 technician to perform the functions authorized by his license in a
9 manner consistent with the public health, safety, or welfare. Such
10 crimes or acts shall include but not be limited to those involving the
11 following:

12 (a) Procuring a license by fraud, misrepresentation, or
13 mistake.

14 (b) A conviction of practicing medicine without a license in
15 violation of Chapter 5 of Division 2 of the Business and Professions
16 Code.

17 (c) Violating or attempting to violate, directly or indirectly,
18 or assisting in or abetting the violation of, or conspiring to violate
19 any provision or term of Chapter 10, Division 2 of the Business and
20 Professions Code.

21 (d) Aiding or assisting, or agreeing to aid or assist any
22 person or persons, whether a licensed physician or not, in the
23 performance of or arranging for a violation of any of the provisions
24 of Article 13, Chapter 5, Division 2 of the Business and Professions
25 Code.

26 (e) Conviction of a crime involving fiscal dishonesty.

27 (f) Any crime or act involving the sale, gift, administration,
28 or furnishing of "narcotics or dangerous drugs or dangerous
devices" as defined in Section 4022 of the Business and Professions
Code.”

CONTROLLED SUBSTANCES

10. “Norco” is a controlled substance used to relieve moderate to severe pain and it
contains a combination of acetaminophen and hydrocodone. Hydrocodone is a narcotic pain
reliever that acts on certain centers in the brain to give pain relief. Acetaminophen is a non-
narcotic pain reliever. Repeated administration of hydrocodone over a course of several weeks
may result in psychological and physical dependency. Norco is designated as a class III controlled
substance by Health and Safety Code section 11056 (e) and is a dangerous drug pursuant to
Business and Professions Code section 4022. Being under the influence of Norco without a valid

1 prescription is punishable as a misdemeanor under California Health and Safety Code section
2 11550.

3 **COST RECOVERY**

4 11. Section 125.3 of the Code provides, in pertinent part, that the Board may request the
5 administrative law judge to direct a licentiate found to have committed a violation or violations of
6 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and
7 enforcement of the case.

8 **FIRST CAUSE FOR DISCIPLINE**

9 **(Criminal Convictions)**

10 12. Respondent is subject to disciplinary action under sections 490 and 4521, subdivision
11 (f) of the Code, as defined by California Code of Regulations, title 16, section 2578, in that
12 Respondent was convicted of crimes substantially related to the qualifications, functions, or
13 duties of a licensed psychiatric technician as follows:

14 13. On or about August 31, 2010, in the criminal matter entitled *People v. Misti*
15 *Armstrong Ioppini* (San Luis Obispo County Superior Court 2010 Case No. M000444781)
16 Respondent was convicted of reckless driving in violation of California Vehicle Code section
17 23103, a misdemeanor, and was sentenced pursuant to California Vehicle Code section 23103.5,
18 because the reckless driving was drug/alcohol related. Respondent was placed on probation for a
19 period of eighteen months, and she was ordered to attend an alcohol offender education course,
20 pay court fines, not drive unless properly licensed, and submit to chemical testing. The
21 circumstances surrounding the conviction are that on or about March 11, 2010, officers with the
22 Atascadero Police Department contacted Respondent after she nearly ran over a pedestrian and hit
23 a curb while driving into a Walgreens parking lot. Officers noticed that Respondent was
24 displaying extremely slurred speech and she was unable to consistently answer basic questions.
25 After a series of field sobriety tests and after Respondent admitted to consuming two Suboxone
26 pills, Respondent was arrested for driving while under the influence of prescription pills. A
27 subsequent blood draw revealed that Respondent's blood contained benzodiazepines, diazepam,
28 and zolpidem.

14. On or about January 21, 2009, in the criminal matter entitled *People v. Misti Armstrong Ioppini* (San Luis Obispo County Superior Court 2009 Case No. M000427167), Respondent was convicted of driving with a suspended driver's license, in violation of California Vehicle Code section 14601, a misdemeanor. Respondent was ordered to pay court fines in the amount of \$541. The circumstances surrounding the conviction are that on or about December 4, 2008, officers with the Paso Robles Police Department made contact with Respondent after witnesses observed the Respondent driving erratically through the Wal-Mart parking lot, nearly hitting a pedestrian and colliding with a cement curb. After making contact with Respondent in the driver's seat of her vehicle, officers observed that her speech was slow and slurred. When Respondent was unable to successfully complete a series of field sobriety tests, Respondent was arrested for driving while under the influence of prescription medication.

SECOND CAUSE FOR DISCIPLINE

(Substance Abuse)

15. Respondent is subject to discipline under section 4521, subdivisions (a) of the code as defined by Title 16, Section 2576.6, subdivisions (a)(4) and (c) of the California Code of Regulations for failing to abstain from abusing controlled substances, to wit Norco. The basis of the substance abuse is as follows:

a. On or between September 20, 2001 and September 10, 2010, Respondent was employed as a licensed psychiatric technician at the Atascadero State Hospital.

b. On or about December 8, 2007, on a controlled drug sheet for thirty tablets of Norcohydrocodone, Respondent noted that two doses were wasted.

c. On or about December 10, 2007, on a controlled drug sheet for thirty tablets of Norcohydrocodone, Respondent noted that two doses were wasted.

d. On or about February 11, 2008, Respondent acknowledged to a senior psychiatric technician that she had a substance abuse problem with Norco.

e. On or about February 11, 2008, two Norco pills were missing after Respondent returned a package of fifty to the pharmacy.

1 f. On or about February 13, 2008, Respondent admitted to taking six Norco pills from
2 the controlled drugs and acknowledged that taking twenty to thirty Norco pills per day was not
3 unusual for her.

4 g. On or about September 10, 2010, Respondent was terminated from employment with
5 the Atascadero State Hospital.

6 h. Complainant further refers to the allegations set forth in paragraphs 13 and 14,
7 inclusive, above, and herein incorporated by reference as though set forth fully.

8 **THIRD CAUSE FOR DISCIPLINE**

9 **(Unlawfully Administered a Controlled Substance)**

10 16. Respondent is subject to disciplinary action under section 4521, subdivision (a)(4) of
11 the Code for unprofessional conduct in that Respondent unlawfully administered to herself a
12 controlled substance, to wit Norco. Complainant refers to the allegations set forth in paragraph
13 15, subparagraphs (a) through (h) inclusive, above, and herein incorporated by reference as
14 though set forth fully.

15 **FOURTH CAUSE FOR DISCIPLINE**

16 **(Dangerous Use of Drugs)**

17 17. Respondent is subject to disciplinary action under section 4521, subdivision (a)(5) of
18 the Code for unprofessional conduct in that Respondent used a controlled substance, to wit
19 Norco, in a manner dangerous or injurious to herself, any other person, or the public, or to the
20 extent that the use impaired her ability to conduct with safety to the public, the practice
21 authorized by her license. Complainant refers to the allegations set forth in paragraph 15,
22 subparagraphs (a) through (h) inclusive, above, and herein incorporated by reference as though
23 set forth fully.

24 **FIFTH CAUSE FOR DISCIPLINE**

25 **(Act of Dishonesty)**

26 18. Respondent is subject to disciplinary action under section 4521, subdivision (n) of the
27 Code for unprofessional conduct in that Respondent committed an act involving dishonesty that
28 was substantially related to the duties and functions of a psychiatric technician. Complainant

1 refers to the allegations set forth in paragraph 15, subparagraphs (a) through (h) inclusive, above,
2 and herein incorporated by reference as though set forth fully.

3 **SIXTH CAUSE FOR DISCIPLINE**

4 **(Unprofessional Conduct)**


5 19. Respondent is subject to disciplinary action under section 4521, subdivision (a) of the
6 Code for unprofessional conduct in that Respondent was terminated from employment for the
7 Atascadero State Hospital for failing to adequately address her substance abuse issue and for
8 failing to maintain a standard level of performance because of excessive unscheduled absences.

9 **PRAYER**

10 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,
11 and that following the hearing, the Board of Vocational Nursing and Psychiatric Technicians
12 issue a decision:

- 13 1. Revoking or suspending Psychiatric Technician License Number PT 31072, issued to
14 Misti Armstrong Ioppini, aka Misti A. Ioppini;
15 2. Ordering Misti Armstrong Ioppini, aka Misti A. Ioppini to pay the Board of
16 Vocational Nursing and Psychiatric Technicians the reasonable costs of the investigation and
17 enforcement of this case, pursuant to Business and Professions Code section 125.3;
18 3. Taking such other and further action as deemed necessary and proper.

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20
21 DATED: May 13, 2011.

22 
23 TERESA BELLO-JONES, J.D., M.S.N., R.N.
24 Executive Officer
25 Board of Vocational Nursing and Psychiatric Technicians
26 Department of Consumer Affairs
27 State of California
28 Complainant

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